



**ELLIS COUNTY COMMISSION**

718 Main Street  
Hays, KS 67601

WATER RESOURCES  
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JUN 23 2023

KS DEPT OF AGRICULTURE

06/20/2023

Water Transfer Hearing Panel  
c/o Chief Engineer – Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Dr.  
Manhattan, KS 66502

Re: Public Comment for the Hays/Russell Water Transfer Application, OAH No. 23AG0023 AG

Submission for Official Record in Support of Hays & Russell Application

I am writing to express my strong support for Hays and Russell as they navigate the Water Transfer Act as it regards the development of the R9 Ranch, a long-term water supply for Hays and Russell. As an Ellis County Commissioner, I have had the privilege of closely following the progress and efforts invested in traversing the regulatory process over the past eight years.

Water is a precious resource that is fundamental to the growth and sustainability of our communities. The Water Transfer Act aims to ensure that the state as a whole benefits from conducting large-scale water transfers. It grants the state the final approval authority over such transfers, recognizing the need to balance water resources while supporting the growth and development of communities.

Hays and Russell have established themselves as true leaders, not only within the state of Kansas but also across the nation, in implementing effective strategies to conserve and manage water resources. Their proactive decision voluntarily limiting to a 30% reduction over and above what was required by statute is a clear demonstration of their responsible and forward-thinking approach.

By implementing self-imposed limitations, Hays and Russell have set a commendable example for other communities to follow. Their actions signify their unwavering commitment to ensuring the best utilization of the R9 water supply for the greater good of everyone involved. We should celebrate this as a significant milestone, which reaffirms their intent to uphold the highest standards of water stewardship and sustainable development.

Opposition to proposed water transfers often stems from a misconception that water resources solely belong to the communities where they are abundant. However, Kansas law clearly establishes that all water belongs to the State until it is lawfully acquired through a "water right," which is considered a real property right. This right is tied to the land it serves and transfers with the conveyance of the land. Moreover, Kansas law does not prioritize agricultural use over other uses. K.S.A. 82a707 (b) grants a higher status to municipal use over irrigation in cases where two water rights have the same date of priority.

Support for this transfer is essential for economic development of the State and the well-being of our counties residents. Recognizing the increasing demand and the need for a reliable and sustainable water supply, the R9 project holds tremendous significance for our region to support ongoing growth prospects for northwest Kansas.





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The Hays and Russell constituency represents a thriving and growing \$3 billion economy, with immense potential for further expansion. By obtaining the necessary approvals under the Water Transfer Act, Hays and Russell can secure a sustainable and reliable water source that will drive economic growth, support existing industries, and foster a prosperous environment for our residents. I commend the dedication and perseverance demonstrated by the Hays and Russell teams throughout this process. Their commitment to meeting the regulatory requirements and ensuring the long-term water needs of our communities is commendable. The extensive planning, research, and collaboration undertaken by these entities reflect their deep commitment to the welfare of our residents and the responsible stewardship of our water resources.

The development of the R9 as a long-term water supply will not only provide much-needed security and stability for Hays and Russell but will also contribute to the overall prosperity and growth of our entire region. I firmly believe that the development of the R9 Ranch water supply is not only vital for the Hays and Russell region but also beneficial to the State of Kansas as a whole. It aligns with our shared goals of promoting economic development, ensuring the responsible use of water resources, and safeguarding the long-term sustainability of our communities. The totality of this project is an investment that will yield long-term benefits and ensure a bright and prosperous future for our residents.

I urge you to consider the significance of this venture and the positive impact it will have on both the Hays/Russell region and the State of Kansas. I wholeheartedly support the efforts of Hays and Russell in developing the R9 as a long-term water supply and urge you to consider their proposal favorably. Together, we can make a positive impact and secure the water resources necessary for the continued success and growth of our region.

Thank you for your attention to this matter. Should you require any further information or have any questions, please do not hesitate to reach out to me. Let us work towards a prosperous and sustainable future for our region and the State of Kansas.

Sincerely submitted,

A handwritten signature in blue ink, appearing to read "Michael K. Berges".

Michael K. Berges as

Resident – Hays, KS  
Commissioner – Ellis County  
Officer – Development Services of Northwest Kansas, Inc.

